

Referring now to the detailed Office Action, the specification is objected to as containing a title that is not descriptive. Accordingly, Applicants have amended the title of the invention, as shown above.

The drawings Figures 23A and 23B are objected as containing informalities. In response, Applicants are submitting herewith under separate cover letter, substitute drawings for Figs. 23A and 23B which provide the labeling of "Prior Art" so as to overcome the drawing objection. Withdrawal of the outstanding objection to the drawings is therefore requested.

Claims 1-6 are rejected under 37 CFR 1.78(b) as conflicting with claims 1-10 of Application No. 10/054,843. Further, claims 1-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-10 of co-pending Application No. 10/054,843.

With respect to the provisional double patenting rejection, Applicants respectfully request that the rejection be held in abeyance until a set of pending claims are found allowable.

With respect to the rejection under 37 CFR 1.78(b), the present invention discloses, as indicated in Figs. 1A and 1B, the that insulating oxide film 12B formed by oxidizing the Group III nitride is formed around the active region 12A of an element to serve as an element isolating film.

On the other hand, Application No. 10/054,843 teaches, as shown in Figs. 1, 3A to 3C and 4A, that an insulating oxidation layer 16B by oxidizing the Group III nitride is formed below the gate electrode 17.

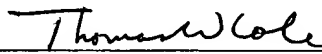
Application No. 10/054,843 teaches MOSFET having gate oxide film 16B, while the present invention recites a MESFET having a Schottky gate. Moreover, claims 1-6 of the present invention recited different features from those in claims 1-10 of Application No. 10/054,843, and, therefore, claims 1-6 of the present invention are patentably distinct from claims 1-10 of Application No. 10/054,843, and there are no conflicting claims as asserted by the Examiner.

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**CONCLUSION**

Having responded to all rejections and objections set forth in the outstanding non-Final Office Action, it is submitted that claims 1-6 are now in condition for allowance. An early and favorable Notice of Allowance is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, the Examiner is courteously requested to contact Applicants' undersigned representative.

Respectfully submitted,

  
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